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EXAMINER

NGUYEN, JENNIFER T

ART UNIT

PAPER NUMBER

2674

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/900,211	BOHN, DAVID D.	
	Examiner	Art Unit	
	Jennifer T Nguyen	2674	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 06 July 2001.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-4 and 6-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-4,6 and 8-21 is/are rejected.
- 7) Claim(s) 7 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

1. This Office action is responsive to amendment filed on 12/02/04.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 6, 15-19, 20, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Verstockt (US Patent No.: 5,734,372) in view of McDonough et al. (US Patent No.: 6,486,873).

Regarding claims 1, 18, 20, and 21, referring to Fig. 2, Verstockt teaches a computer pointing device (31), comprising: a illumination apparatus (i.e., LED 33) operatively associated with the computer-pointing device (31), said illumination apparatus generating light when the computer pointing device is in a input operating mode (i.e., when the mouse is in operation), the light generated by said illumination apparatus (33) providing for a user a visual indication of the input operating mode of the computer pointing device (31) (col. 3, lines 23-42).

Although Verstockt does not specifically teaches another illumination apparatus generating light when the computer-pointing device is in a standby mode the light generated by said illumination apparatus providing for a user a visual indication of the standby mode of the computer-pointing device. Verstockt teaches an illumination apparatus (i.e., LED 33) not generating light when the computer pointing device (31) is in a standby mode (i.e., when the mouse is in operation) the light generated by said illumination apparatus providing for a user a

visual indication of the standby mode of the computer pointing device (col. 3, lines 23-42).

Moreover, McDonough teaches one or more illumination apparatus (14) generating light (different illumination levels, different colors ...) when the computer-pointing device is in different states (col. 7, lines 24-44). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the another illumination apparatus generating light when the computer pointing device is in different states as taught by McDonough in the system of Verstockt when the computer pointing device is in a standby mode in order to allow user easily recognizes the pointing device with different of its modes.

Regarding claim 2, Verstockt further teaches the computer-pointing device comprises a mouse (Fig. 2).

Regarding claim 3, Verstockt further teaches first illumination apparatus and second illumination apparatus comprises a light-emitting diode (col. 3, lines 23-42).

Regarding claim 4, the combination of Verstockt and McDonough teaches first illumination apparatus generates light having at least one attribute (different illumination levels, different colors ...) different than the light generated by said second illumination apparatus (col. 7, lines 24-44).

Regarding claims 6 and 19, Verstockt differs from claim 6 in that he does not specifically teaches a third illumination apparatus operatively associated with the computer-pointing device, said third illumination apparatus generating light when the computer-pointing device is in another mode different from the standby mode and the input operating mode. Verstockt teaches a illumination apparatus (33) operatively associated with the computer-pointing device, said the illumination apparatus notices the operation status to the user and McDonough teaches one or

more illumination apparatus (14) generating light (different illumination levels, different colors ...) when the computer-pointing device is in different states (col. 7, lines 24-44). Therefore, it would have been obvious to obtain a third illumination apparatus operatively associated with the computer-pointing device, said third illumination apparatus generating light when the computer-pointing device is in a third operating mode in order to allow user easily recognizes the pointing device with different of its modes.

Regarding claim 15, the combination of Verstockt and McDonough teaches a data processing system (21) operatively associated with the computer-pointing device, said data processing system receiving a data signal from the computer-pointing device that is indicative of the operating mode of the computer-pointing device, said data processing system processing the data signal so that said first illumination apparatus generates light when the computer-pointing device is in the first operating mode and so that said second illumination apparatus generates light when the computer-pointing device is in the second operating mode (col. 2, lines 29-67 Fig. 1, of Verstockt).

Regarding claims 16 and 17, the combination of Verstockt and McDonough teaches a control system (12), said control system actuating said first illumination apparatus when the computer-pointing device is in the first operating mode, said control system actuating said second illumination apparatus when the computer-pointing device is in the second operating mode (col. 2, lines 29-67 Fig. 1, of Verstockt).

4. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Verstockt (US Patent No.: 5,734,372) in view of McDonough et al. (US Patent No.: 6,486,873) and further in view of Kojima et al. (US Patent No.: 3,938,138).

Regarding claim 8, the combination of Verstockt and McDonough differs from claim 8 in that it does not specifically teach a switch allowing a user to disable the first and second illumination apparatuses. The combination of Verstockt and McDonough teaches first and second illumination apparatuses (col. 7, lines 24-44). However, Kojima teaches a switch (17) allowing a user to disable an indicator (8) (Fig. 2, col. 4, lines 4-17). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the switch as taught by Kojima in the system of the combination of Verstockt and McDonough in order to reduce the power consumption of the device.

Regarding claim 9, the combination of Verstockt and McDonough differs from claim 9 in that it does not specifically teach a time-delayed shut off switch, said time-delayed shut off switch causing the first and second illumination apparatuses to be shut off after a period of inactivity. The combination of Verstockt and McDonough teaches first and second illumination apparatuses (col. 7, lines 24-44). However, Kojima teaches a time-delayed shut off switch, said time-delayed shut off switch causing the indicator to be shut off after a period of inactivity (col. 1, lines 31-38). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the time-delayed shut off switch as taught by Kojima in the system of the combination of Verstockt and McDonough in order to reduce the power consumption of the device.

5. Claims 10, 11, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Verstockt (US Patent No.: 5,734,372) in view of McDonough et al. (US Patent No.: 6,486,873) and further in view of Hinckley et al. (US Patent No.: 6,559,830).

Regarding claim 10, the combination of Verstockt and McDonough differs from claim 10 in that it does not specifically teach a user detection device operatively associated with the computer-pointing device, said user detection device detecting when a user is accessing the computer-pointing device. However, referring to Figs. 1 and 2, Hinckley teaches a user detection device (40) operatively associated with the computer-pointing device (43), said user detection device (40) detecting when a user is accessing the computer-pointing device (43) (col. 4, lines 40-54). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the user detection device as taught by Hinckley in the system of the combination of Verstockt and McDonough in order to indicate to user the operation modes of pointing device quickly.

Regarding claims 11 and 14, the combination of Verstockt, McDonough, and Hinckley teaches user detection device comprises an optical sensor/a capacitance proximity sensor. (col. 5, lines 38-55 of Hinckley).

Regarding claim 13, the combination of Verstockt, McDonough, and Hinckley teaches said user detection device comprises a mechanically activated switch (col. 6, lines 42-43 of Hinckley).

6. Claims 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Verstockt (US Patent No.: 5,734,372) in view of McDonough et al. (US Patent No.: 6,486,873) and further in view of Dai et al. (US Patent No.: 6,650,322).

Regarding claim 12, the combination of Verstockt and McDonough differs from claim 12 in that it does not specifically teaches the user detection device comprises a thermal sensor. However, Dai teaches the user detection device comprises a thermal sensor (col. 2, lines 32-35,

Fig. 2A of Dai). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the thermal sensor as taught by Dai in the system of the combination of Verstockt and McDonough in order to provide a pointing device would help determine user presence with accuracy.

7. Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

8. Applicants' arguments filed 12/02/2004, have been fully considered but they are not persuasive because as follows:

In response to Applicants' argument filed first, the combination of Verstockt and McDonough fails to teach or suggest said first illumination apparatus generating light when the computer-pointing device is in a standby mode. Second, McDonough does not teach a standby mode of a computer-pointing device. However, Verstockt teaches a illumination apparatus (i.e., LED 33) is visible when the mouse is in operation (col. 3, lines 30-32), in the other words, the illumination apparatus is in different state when the mouse in a standby mode. McDonough teaches a plurality illumination apparatus on the mouse and an illumination apparatus can be in one or more states (i.e., degree of illuminations of the illumination apparatus, color of the illumination apparatus) (col. 7, lines 24-44). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the a second illumination apparatus or a color (i.e., red) of the illumination apparatus or a degree of illuminations of the illumination apparatus (i.e., low intensity) as taught by McDonough in the

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standby mode of the mouse system of Verstockt in order to allow user easily recognizes the pointing device with different of its modes. Therefore, it is believed that the claims limitations are still met by Verstockt and McDonough and the rejection is still maintained.

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer T Nguyen whose telephone number is 571-272-7696. The examiner can normally be reached on Mon-Fri: 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick N. Edouard can be reached on 571-272-7603. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JN guyen
03/31/2005


REGINA LIANG
PRIMARY EXAMINER